IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

CRIMINAL APPLICATION NO. 2791 OF 2007

Yusuf Gaffar Kachhi & Anr. ... Applicants.

V/s.

State of Maharashtra. ... Respondent.

A.P.Mundargi, senior counsel with Milind Deshmukh for the applicants.

Ms.S.D.Shinde, APP for the State.

CORAM: V.C.DAGA, J.

DATED: 30th August 2007.

P.C.:

. Heard learned counsel for the parties.

2. Both advocates agree that reading para-4 of the order of the Sessions Court passed in Criminal Misc.(Bail) Application No.139/2007 wherein one of the accused Durga Vaidya is referred to, who was shown as accused No.2 in C.R.No.42/2007 and not in C.R. in hand. This appears to have created confusion and misdirected the Court below. Thus, prayer is to set aside the order by consent of parties for consideration afresh.

3. The applicants submits that so far as newspaper reports and complaints mentioned therein

against the police officers are concerned, they related to C.R.No.80/2007. That chapter has, now, already been closed, as such applicants cannot be accused of pressurising the police or investigating agency. In their submission, observations made in this behalf are unwarranted.

4. In the above view of the matter, by consent of parties order dated 18th August, 2007 is set aside. Criminal Misc.Application No.139/2007 is restored to the file of Sessions Court for decision afresh. The learned Sessions Court is expected to consider the application for grant of bail independently without getting influenced by the order dated 18th August, 2007. All rival contentions are kept open.

5. Application is disposed of in terms of this order.

JUDGE